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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,051	02/02/2005	Robert Allan Phillips	14450.0011USWO	7563
23552 7590 09/24/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER LARYEA, LAWRENCE N	
			ART UNIT 3768	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/523,051

Applicant(s)

PHILLIPS, ROBERT ALLAN

Examiner

Lawrence N. Laryea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/02/05  
06/12/2006 01/18/2007 .

## DETAILED ACTION

**Examiner acknowledges Applicant's amendment and remarks filed July 17, 2007.**

Claims 1-6,7 and 8 are now pending. The Examiner acknowledges the amendments to Claims 1 and 17.

Applicant's arguments with respect to the rejection(s) of claim(s) 1-16 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilbert et al (Patent 6530887)** and in view of **Anemia (Patent 4866613)**.

3. Re claims 1 and 7: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters to a user, the apparatus comprising: a transducer device (**probe, 364**) for providing for a Doppler monitoring of flows within a patient (**See Col. 2, line 59-67**); a processing unit (**360**) interconnected to said transducer unit and adapted to extract a blood flow signal from the operation of said transducer and process said blood flow

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signal so as to produce a video blood flow signal and an audio blood flow signal; a display unit interconnect to said processing unit for visualizing the video blood flow signal(See Col. 28, line 41-45,Col. 36, line 54-56 and Col. 28, line 64-66); and at least one audio emission device(a pair of speakers and cables) interconnected to said processing unit for emission of said audio blood flow signal to the ears of said user (See Fig.11).

4. Re claim 2: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters to a user wherein a processing unit (360) and a display unit (370) are packaged as a handheld device (See Fig.11).

5. Re Claims 3,4 and 8: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters to a user wherein a processing unit (See Col. 29, line 4-45) performs audio spatialisation (spectral sonogram) includes a spatial separation of information in accordance with the depth of the received signal from a transducer element (See Col. 32, line 12-29 and Col. 30, line 39-41) and the number of audio emission devices is at least two (See Fig.11).

6. Re Claims 5 and 6: **Gilbert et al** teach a portable apparatus for conveying blood flow parameters wherein a microphone is configured with a computer during the medical examination. (See Fig.11 for microphone and Col. 3, line 53-54 for storage means (memory)). Also, see Fig. 12 where a laptop computer is used for storing and retrieving information associated with subjects of examined results.

**Gilbert et al** teach the claimed invention see rejection supra; however **Gilbert et al** does not expressly teach the transducer device provides a continuous wave (cw).

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7. **Anemia et al** teach an imaging system wherein the transducer device provides a continuous wave (**See Abstract and Col.1, lines 9-12**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an ultrasound imaging apparatus of **Gilbert et al** similar **Anemia et al** wherein the transducer device provides a continuous wave in order to provide good resolution and quality signals (images) as taught by **Anemia et al**.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Gould (Patent 5546943)** discloses an invention wherein the transducer device provides a **continuous wave** and 3D audio spatialization is used to convey blood flow to a user.

**Shaya et al (Patent 5447164)** disclose a medical device that stores and displays a patient's information received from a transducer.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence N. Laryea whose telephone number is 571-272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on 571-272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL

  
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Eleni, Mantis-Mercader  
Supervisory Patent Examiner  
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